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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,785	04/09/1999	JAMES G. HANKO	843161-189	9037
32291	7590	01/10/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/289,785

Applicant(s)

HANKO, JAMES G.

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 34-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30, 41 and 46-51 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11, 12, 34, 36, 39, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 3-10, 13-20, 35, 37, 38, 40, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. The examiner in charge of this application has changed to Primary Examiner Jeffery A. Brier who may be reached at 703-305-4723.

Response to Amendment

2. The amendment filed on 7/26/2004 has been entered.

Response to Arguments

3. Applicants arguments filed on 7/26/2004 have been fully considered, however, they are deemed not to be persuasive because the limitations added to claims 1, 11, and 34 are overly broad and are met by the teachings of the Hamilton reference.

The first newly added claim limitation "the image data defining a complete image having a horizontal extent and a vertical extent when rendered in a display" is taught by Hamilton because the video image transmitted from the server to the client has a horizontal extent and a vertical extent when rendered in a display. The second newly added claim limitation "the clipped image data representing a portion of the complete image when rendered in the display" is taught by Hamilton because this claim limitation does not limit the term portion to spatial, thus, at least the temporal portion of the video image sent from the server to the client represents a portion of the complete video image. Window manager 140 sends a temporal portion of the video image from the server to the client. Applicant needs to further amend these claims in order to overcome the rejection based upon Hamilton.

Applicant argues on page 13 lines 3-5 that Hamilton does not teach "wherein the

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portion of the complete image is defined relative to a horizontal extent and a vertical extent of the complete image when rendered in a display". This argued limitation is not persuasive because this limitation is not present in the claims. Applicant is attempting to add limitations to the claims which are not present in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally the term relative is very broad and if this limitation were explicitly in the claims then Hamilton would meet this broad limitation because the horizontal and vertical dimensions of the portion of the video image sent to the client is relative to the horizontal and vertical dimensions of the clipped image. Applicant would need to further limit the term relative.

The limitations added to claims 2 and 12 similarly do not distinguish these claims from Hamilton.

The arguments presented by applicant for claims 2, 36, 44, 12, 39, 45, 6, and 16 are directed to the arguments presented for claims 1 and 11. Therefore the rejection of these claims are maintained for the reasons given above for claims 1 and 11.

The argument concerning the rejection of claim 46 is persuasive to overcome the rejection since claim 46 does ultimately depend upon allowed claim 21.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 11-12, 34, 36, 39, and 44-45 are rejected under 35 U.S.C. 102 (e) as being unpatentable by Hamilton et al., U.S. Patent No. 5,987,501, for the reasons given in paper no. 30 at pages 3 and 4 which rejection is incorporated by reference. The newly added limitations are met by Hamilton, as discussed above and further addressed as follows. The first newly added claim limitation “the image data defining a complete image having a horizontal extent and a vertical extent when rendered in a display” is taught by Hamilton because the video image transmitted by the window manager 140 from the server 40 to the client 50 inherently has a horizontal extent and a vertical extent when rendered in a display. The second newly added claim limitation “the clipped image data representing a portion of the complete image when rendered in the display” is taught by Hamilton because this claim limitation does not limit the term portion to spatial, thus, at least the temporal portion of the video image sent by window manager 140 from the server 40 to the client 50 represents a portion of the complete video image.

Allowable Subject Matter

6. The previous indication of allowable subject matter and allowable claims is maintained and incorporated by reference.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

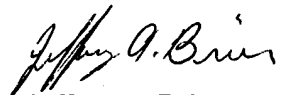
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
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